

**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER DIVISION
PART 5 RULES OPERATIONAL GUIDANCE (POG #1)**

Guidance No. 1

June 4, 2003

Title: Part 5 Rules Operational Guidance (POG #1) for Railcars and Trucks

I. Purpose

- A. The purpose of Part 5 Rules Operational Guidance #1 is to provide guidance for transportation, storage, and use areas of polluting materials in railcars and trucks at oil storage and on-land facilities (facility) in accordance with the Part 5 rules, Spillage of Oil and Polluting Materials, R 324.2001 - 324.2009, promulgated under Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

II. Background

- A. The Water Division of the Michigan Department of Environmental Quality is responsible for implementing the Part 5 rules, which were substantially revised and placed into effect on August 31, 2001.
- B. Railcars and trucks receive and ship polluting materials and the rules require clarification as it relates to transportation, storage, and use areas.
- C. The Part 5 rules contain requirements for both storage and use areas.
- D. The railcar and truck use at a facility is typically one of three types:
 - 1. Transportation
 - 2. Storage
 - 3. Use area
 - a. Transportation is covered under Title 49, Transportation, of the Code of Federal Regulations.

III. Guidance

- A. For the purposes of clarifying this rule, the Water Division considers the following:
 - 1. Transportation: Generally, railcars and trucks at a facility are considered in transport unless it is connected to the facility for purposes of loading or unloading.

2. Storage: For railcars and trucks located on the facility premises, a system is required to minimize the time railcars and trucks are kept on site; however, after 90 days, a railcar or truck will be considered “storage” and require secondary containment as described in Rule 5, Secondary Containment, of the Part 5 rules (R 324.2005).
3. Use areas: Loading and unloading is a one-time event over a short duration where the contents of the railcar or truck are emptied into storage of sufficient capacity to contain the volume of the railcar or truck. These operations occur in areas that are considered “use area” as defined in Rule 2(h), Definitions, of the Part 5 rules (R 324.2002) and the secondary containment requirements in Rule 5(3) of the Part 5 rules (R324.2005(3)), which, in essence, requires the area to “...be designed, constructed, maintained, and operated to prevent the release of polluting materials.....” However, any other mode of loading and unloading, (e.g., prolonged unloading or multiple withdrawals over an extended period of time) is considered “storage” and requires secondary containment requirement in Rule 5 (R324.2005) of the Part 5 rules.

Approved

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